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5 Attorneys for Specially Appearing Defendant
6 ROBERT A. PUTNAM

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 *E-FILED - 1/11/06*

12 McKESSON CORPORATION and
13 HBO & COMPANY, INC.,

14 Plaintiffs,

15 vs.

16 ARTHUR ANDERSEN LLP and
17 ROBERT A. PUTNAM, and DOES 1-
20,

18 Defendants.

CASE NO.: C-05-04020 RMW (PVT)

**STIPULATION AND ~~PROPOSED~~
ORDER (1) SETTING BRIEFING
SCHEDULE AND HEARING FOR
MOTION FOR CERTIFICATION FOR
INTERLOCUTORY APPEAL; (2)
ENLARGING DEFENDANTS' TIME TO
RESPOND TO THE COMPLAINT; AND
(3) ADJUSTING CERTAIN DEADLINES
FOR RULE 26 CONFERENCE, JOINT
CASE MANAGEMENT STATEMENT,
AND CASE MANAGEMENT
CONFERENCE**

The Honorable Ronald Whyte

1 WHEREAS, on August 11, 2005, Plaintiffs McKesson Corporation and
2 HBO & Company, Inc. ("Plaintiffs") filed a Complaint against defendants Arthur
3 Andersen LLP and Robert A. Putnam;

4 **Scheduling Regarding Motion For Interlocutory Review**

5 WHEREAS, on October 11, 2005, Specially Appearing Defendant Putnam
6 filed a motion to dismiss the fifth and sixth causes of action for lack of personal
7 jurisdiction;

8 WHEREAS, by order dated November 30, 2005, this Court denied
9 Putnam's motion to dismiss for lack of personal jurisdiction (the Jurisdiction Order);

10 WHEREAS, on December 14, 2005, Putnam intends to file a motion for
11 certification of the Jurisdiction Order for interlocutory appeal pursuant to 28 U.S.C. §
12 1292(b);

13 WHEREAS, by virtue of the holiday season, a modified briefing schedule is
14 necessary;

15 **Responses To The Complaint**

16 WHEREAS, Putnam's current deadline for responding to the Complaint
17 currently is December 14, 2005 and Andersen's current deadline for responding to the
18 Complaint currently is December 23, 2005;

19 WHEREAS, the parties believe that it would be most efficient for the Court
20 to consider, and the parties to brief, motions to dismiss the Complaint on a uniform
21 schedule after the Court's ruling on Putnam's motion for certification of the Jurisdiction
22 Order for interlocutory review;

23 **Scheduling Regarding Rule 26 Conference And Related Deadlines**

24 WHEREAS, Andersen intends to file a cross-complaint against McKesson,
25 HBOC, and others;

26 WHEREAS, the current Rule 26 deadlines expire before defendants respond
27 to the Complaint and before Andersen has had an opportunity to file its Cross Complaint;

28 WHEREAS, the parties believe that it would be more efficient to continue

1 the Rule 26 deadlines;

2 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
3 and between the parties, acting through their respective counsel of record, that:

4 1. Putnam's Motion For Interlocutory Review. Plaintiffs' opposition
5 brief to Putnam's motion for certification of the Jurisdiction Order for interlocutory
6 review shall be filed and served on or before January 13, 2006 and Putnam's reply brief
7 shall be filed and served on or before January 27, 2006. The hearing for Putnam's motion
8 shall be heard on February 10, 2006 at 9:30 a.m.; 9:00 a.m. (jg)

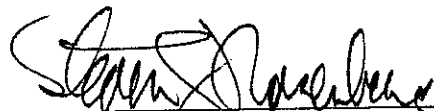
9 2. Responses To The Complaint. Absent further order of the Court,
10 Putnam and Andersen shall answer, move or otherwise respond to the Complaint within
11 fourteen (14) days after the Court issues its ruling on Putnam's motion for certification of
12 the Jurisdiction Order for interlocutory review. This stipulation and the order thereon are
13 without prejudice to Putnam's and Andersen's right to seek further relief from the Court,
14 such as a stay of their obligation to respond to the Complaint or other similar relief, and is
15 also without prejudice to McKesson's and HBOC's right to oppose any such application
16 and to assert any argument in opposition to any such application;

17 3. Rule 26 Deadlines. The current Rule 26 deadlines are vacated. The
18 parties shall complete their Rule 26 disclosures and file their Rule 26 report on or before
19 May 31, 2006. The case management conference shall be held on June 9, 2006 at 9:30
20 a.m.

21 DATED: December 12, 2005

LAW OFFICES OF STEVEN J. ROSENBERG, P.C.

22
23
24 By



25 Steven J. Rosenberg
26 Attorneys for Specially Appearing Defendant
27 ROBERT A. PUTNAM
28

1 DATED: December __, 2005

ALSCHULER GROSSMAN STEIN & KAHAN LLP

2
3 By _____

4 Scott Vick
5 Attorneys for Defendant
6 ARTHUR ANDERSEN LLP

7 DATED: December 12, 2005

8 SKADDEN, ARPS, SLATE, MEAGHER & FLOM
9 LLP

10 By  _____

11 Timothy Miller
12 Attorneys for Plaintiffs
13 McKESSON CORPORATION and HBO &
14 COMPANY, INC.

15 **ORDER**

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17 DATED: December 28, 2005

18 /s/ Ronald M. Whyte
19 The Honorable Ronald M. Whyte
20 United States District Judge
21
22
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27
28

1 DATED: December 12 2005

ALSCHULER GROSSMAN STEIN & KAHAN LLP

2
3 By



4 Scott Vick
5 Attorneys for Defendant
6 ARTHUR ANDERSEN LLP

7 DATED: December __, 2005

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
8 LLP

9
10 By

11 Timothy Miller
12 Attorneys for Plaintiffs
13 McKESSON CORPORATION and HBO &
14 COMPANY, INC.

15 **ORDER**

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17 DATED: December __, 2005

18 The Honorable Ronald M. Whyte
19 United States District Judge